IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19 of 2004

Decided on : April 12, 2007

Nirmal Singh and others **....Petitioners.**

VERSUS

State of Himachal Pradesh & others **....Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting?

For the petitioners : **Mr. N.K. Thakur, Advocate.**

For the Respondents : **Mr. C.B. Singh, Deputy Advocate General, for respondent No.1.**

Mr. Sanjeev Sharma, Advocate, for respondents No.2 to 4, 6, 7, 9 to 14 and 17.

Mr. Subhash Sharma, Advocate, for respondent No.21.

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Writ petitioners have assailed the order dated 1.9.1997 of the Additional Director of Consolidation of Holdings, whereby in a Revision Petition filed by some of the private respondents, Khasra No.5892(new) (7266/1 old) has been ordered to be recorded in joint ownership and possession of the parties and hence subject to partition.

3. The grievance of the writ petitioners is that as a matter of fact one more Khasra number, i.e. 5893 (new) (Khasra No.7266

Whether the reporters of the local papers may be allowed to see the Judgment?

old), Khatauni No.820, was required to be included in the unpartitioned properties of the parties. Therefore, the petitioners have approached this Court with a prayer that the impugned order of the Additional Director, Consolidation of Holdings, be set aside and the case remanded with a direction to include Khasra No.5893 (new), Khatauni No.820, also in the unpartitioned holding of the parties.

4. Respondent No.1, i.e. Director, Consolidation of Holdings, has filed reply, in which it is stated that Khasra No.5893 (new), Khatauni No.820, was also required to be shown alongwith Khsara No.5892 (new). He has requested that the case may be ordered to be remanded to him for making necessary corrections and amendments in the order.

5. In view of the abovestated position, we allow this writ petition and set aside the impugned order and remand the case to the Director, Consolidation of Holdings, with a direction to decide the matter afresh, after hearing both the parties.

6. Writ petition stands disposed of. All the pending applications also stand disposed of.

(Surjit Singh), J.

April 12, 2007(sd) **(Sanjay Karol), J.**